

give to the circuit judge the power to appoint him. But I am decidedly opposed to appointing the court of appeals or the circuit judges; and I shall therefore vote for the amendment.

Mr. RIDGELY. I shall follow the example of my friend from Baltimore city who opened this debate (Mr. Stockbridge.) He occupied a very short time. The experience which I have had in the last fourteen years has confirmed in my mind the fitness and propriety of my vote in the convention of 1850, to make this system an elective system. In that respect my experience differs from that of the gentleman from Kent (Mr. Chambers.) My experience has not assured me that we have lost anything from the change; but on the contrary in the judicial district in which I reside my experience has been that we have gained by the change.

It may be that we have not in general obtained judges so profound in judicial learning as we had under the former system; but we have obtained judges who have in the opinion of our people met the wants of the people.—It is not *per se* judicial learning, learning in the law, that makes up all the elements of character necessary to constitute a good judge. There are other elements of character besides that of profound legal learning; and they have been eminently displayed in my judicial district. We have had two judges under this system; the one the lamented Alfred Constable; and the other the present judge, John H. Price. The business habits of those gentlemen, their accessibility, their irreproachable private character, superadded to a reasonable amount of judicial learning, has eminently fitted those gentlemen for the positions which they held.

Nor have I observed that in other quarters of the State there has been any lessening of the amount of judicial learning or fitness for the position upon the bench, among the various incumbents of the bench. If you will look around through the various circuits, beginning at Allegany, who is upon the bench there under the elective system? Look again at Frederick and Carroll; who are upon the bench there under the elective system? Passing by the district in which I live, and of which I have just spoken, to the Eastern Shore, we come to Judge Carmichael, who was succeeded by Judge Ricard; and in the lower district, Judge Spence. I put it to the convention whether the bench has fallen very far below what it was under their predecessors? In my opinion they level up fully to the standard of their predecessors as a whole.

It is true they have been unfortunate in Baltimore city; but it was in the inception of the system when Baltimore city had the misfortune to make a selection which probably they would not have made under a larger experience. At present the bench of Baltimore city, generally speaking, is highly respectable. Indeed I know of no judge who has con-

ferred higher honor upon his office, either in the court of appeals or on the lower bench, than the justice of the superior court of Baltimore city, Judge Martin.

With this experience and this observation, I am unwilling to turn back to the point where we stood in 1850. I find the opinion I entertained in 1850 confirmed and sustained by the past.

There is another reason for my vote. This is a very important movement. Neither my people nor the people at large have ever been consulted upon this subject. When we were sent here as members of this convention, this question was not raised before our constituency. I hold that I have as much a duty to perform to represent my constituency here, as if I were in a legislative body. It is my duty to reflect what I believe to be the wants and the will of that constituency. Never having specially discussed this question, it never having been particularly brought before the people, we are asked, without any sort of information upon this subject, boldly, at once to cut loose from the system which in general has worked well, and to fall back upon the old system which we know in the experience of the past, did not work well.

Just turn to our experience anterior to 1850, and see what was the condition of the judiciary under the appointing system. I happen to be contemporaneous with that system, and know something about it, and I here challenge, with the exception of the court of appeals, a comparison between the associates upon the bench under the old system with the bench of the circuit courts now under the new system.

For these reasons I am unwilling to vote to change the mode of selection, and to return to the old system of appointment anterior to the adoption of the present constitution.

Mr. BOND. I have no doubt that it is the wish of every member of this convention to adopt that mode, whether appointment or election, which is most conducive to the public good. The only difference between us seems to be, that some think that the public good would be better promoted by the elective system; and some on the contrary think it would be better promoted by the appointive system.

In the early part of the session I had the honor to submit to the consideration of the judiciary committee the outline of a system in which I proposed an elective judiciary. I am free to say it was not because I regarded it as the best system; but I really supposed it would probably be the only tenable system. Since I find some of our friends upon the other side in favor of an appointive system, being very glad to find that it is so, I now say that I am an advocate of the appointive system, and will vote for it.

These gentleman who have occupied the floor in favor of the elective system, seem to